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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/037,655

01/03/2002

Jianhui Li

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6549

8791

7590

06/16/2006

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EXAMINER

CHOW, CHIH CHING

ART UNIT

PAPER NUMBER

2191

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,655

Applicant(s)

LI ET AL.

Examiner

Chih-Ching Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>6/8/06</u> |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/29/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to amendment dated March 29, 2006.
2. No claim has been amended.
3. Claims 1-60 remain pending.

Response to Arguments

4. Applicants' argument dated on 03/29/2006, responding to the 12/29/2005 Office action provided in the 35 U.S.C. § 112 (1) rejection. The 35 U.S.C. § 112 (1) rejection is herein withdrawn by the Examiner.
5. A phone interview has been conducted on 6/1/2006 with Mr. James Henry, Reg. No. 41,064, the Examiner explained the new USPTO guidelines for 35 U.S.C. § 101 rejections. See 35 U.S.C. § 101 rejection below.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-60 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, and the claimed invention lacks patentable utility. Claim 1 recites 'determining', 'detecting' – which has no concrete action or utility accomplished. The Examiner has recommended to add the purpose of the invention (utility), and the actions performed after the 'determining' and the 'detecting' to the independent claims, such as to combine dependent claims 2, 3, and 4 into independent claim 1.
8. Claims 11, 21, 31, 42, and 51 are also rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter for the same reasons set forth in the rejection of Claim 1.

9. Claims 2-10, 12-20, 22-30, 32-40, 42-50, 52-60, which depend from claims 1, 11, 21, 31, 41, and 51, are all rejected under 35 USC § 101 for the same reasons.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pechanek et al., US20020073299A1, discloses a hierarchical instruction set architecture (ISA) provides pluggable instruction set capability and support of array processors.

Yates et al., US Patent No. 6,954,923, discloses An instruction processor to execute two instruction sets. Instructions are stored in different virtual memory pages of a single address space, and are coded for computers of two different instruction sets, and use of two different calling conventions.

Rosner et al., US20030126587A1, discloses a method includes receiving a binary of a program code. The binary is based on a first instruction set architecture. The method also includes translating the binary, wherein the translated binary is based on a combination of the first instruction set architecture and a second instruction set architecture.

11. The following summarizes the status of the claims:

35 USC § 101 rejection: Claims 1-60

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Ching Chow whose telephone number is 571-272-3693. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any

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inquiry of a general nature of relating to the status of this application should be directed to the **TC2100 Group receptionist: 571-272-2100**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chih-Ching Chow

Examiner

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June 09, 2006

CC



WEI ZHEN
SUPERVISORY PATENT EXAMINER